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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,078	10/26/1999	KENICHI SAWADA	018656-104	2696
21839	7590	01/05/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			YE, LIN	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			2612	
DATE MAILED: 01/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/427,078	SAWADA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Lin Ye	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 October 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 6-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-17 and 20-23 is/are rejected.

7) Claim(s) 18 and 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 6-23 filed on 10/8/03 have been considered but are moot in view of the new ground(s) of rejection. Based on unamended claims 6-23, this rejection is made for non-final.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-10, 17 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabeshima et al. U.S. Patent 6, 587,224.

Referring to claim 6, the Nabeshima reference discloses in Figures 2-3, 7-8 and 11-12, an image pick-up device comprising: a sensor (CCD linear sensor 11) which picks up an image through a lens (9)(See Col. 3, lines 52-65); a setting unit (CPU 40) which sets chromatic aberration factors based on the image data picked from a predetermined (reference) pattern (Chromatic aberration correction chart 17, See Col. 4, lines 24-27); and a correction unit (chromatic aberration correction circuit) which corrects image data picked up from an

original image by using the chromatic aberration factors set by the setting unit (See Col. 4 ,line 67 and Col. 5, lines 1-12).

Referring to claim 7, the Nabeshima reference discloses wherein the predetermined pattern is formed on a chromatic aberration board (Chromatic aberration correction chart 17) as shown in Figure 3.

Referring to claim 8, the Nabeshima reference discloses wherein the chromatic aberration board (3) is fixed in an area near a document platen as shown in Figure 1.

Referring to claim 9, the Nabeshima reference discloses wherein the predetermined pattern (17) is ladder pattern (17) as shown in Figure 3 (See Col. 6, lines 10-14).

Referring to claim 10, the Nabeshima reference discloses wherein the chromatic aberration factors (coefficient) are set for each color (R, G and B) component as shown in Figure 7.

Referring to claim 17, the Nabeshima reference discloses all subject matter as discussed with respected to same comment as with claim 6, and the reference also disclose a determining unit which determines a character amount (edge determination circuit 38 determines a character amount of the image data in order to obtain the edge pixel, see Col. 6, lines 33-39) of the image data picked up from the pattern image (Chromatic aberration correction chart 17).

Referring to claim 20, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 21, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 22, the Nabeshima reference discloses all subject matter as discussed with respect to same comment as with claim 9.

Referring to claim 23, the Nabeshima reference discloses all subject matter as discussed with respect to same comment as with claim 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima et al. U.S. Patent 6, 587,224 in view of Dischert et al. U.S Publication 2001/0030697 A1.

Referring to claims 11 and 15, the Nabeshima reference discloses all subject matter as discussed in respect to claim 6, except the reference does not explicitly state a memory which stores the calculated chromatic aberration factors.

The Dischert reference discloses in Figure 1, an image processing system for correcting the chromatic aberration, comprising: correction memory 116 for storing chromatic aberration coefficients (factors) (See page 2 [0020]). The Dischert reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system has a memory to store the calculated chromatic aberration factors, so that it can avoid recalculation and correct the chromatic aberration more efficiently in next time. For that reason, it would

have been obvious to see the image pick-up device has a memory to stores the calculated chromatic aberration factors disclosed by Nabeshima.

Referring to claim 12, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 13, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 14, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 16, the Nabeshima reference discloses al subject matter as discussed with respected to same comment as with claim 10.

***Allowable Subject Matter***

6. Claims 18-19 are objected to as being dependent upon a rejected base claim 17, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

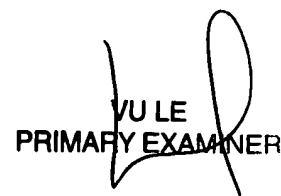
Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.



VU LE  
PRIMARY EXAMINER

Lin Ye  
December 23, 2003